

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 344 be amended to read as follows:

- 1 Page 1, line 10, after "purchasing," insert "**However, the term does**
- 2 **not include any of the following:**
- 3 (1) A communication from a retail establishment with a
- 4 physical presence that is advertising a product offered for sale
- 5 in the retail establishment.
- 6 (2) An advertisement from a person that is sponsoring or
- 7 supporting another product, service, or event, unless the
- 8 advertisement has the primary purpose of advertising:
- 9 (A) obscenity; or
- 10 (B) a product that:
- 11 (i) depicts nudity, sexual conduct, sexual excitement, or
- 12 sado-masochistic abuse; and
- 13 (ii) considered as a whole, appeals to the prurient
- 14 interest in sex and lacks serious literary, artistic,
- 15 political, or scientific value.
- 16 Clauses (A) and (B) do not include any communication
- 17 advertising a motion picture with a Motion Picture
- 18 Association of America rating of "G", "PG", "PG-13", "R",
- 19 or "NC-17", or any communication advertising a cable
- 20 television program.
- 21 (3) A communication that is in response to a direct inquiry
- 22 from a consumer if the person making the communication

- 1 **verifies the consumer's age in person or through a system of**
- 2 **electronic age verification using publicly available data.".**
(Reference is to SB 344 as printed February 20, 2013.)

Senator HEAD